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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,820	07/21/2003	John H. Rallis	P3179	7373
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EXAMINER ADAMS, GREGORY W				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,820

Applicant(s)

RALLIS, JOHN H.

Examiner

GREGORY W. ADAMS

Art Unit

3652

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 & 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staege (DE 4309338 C2) in view of Atwater (US 3,661,280).

With respect to claims 1-3 & 6, Staege discloses a warehousing system comprising:

- a plurality of storage racks (FIG. 4);
- a traveling conveyor comprising: an elongate, generally horizontal deck
2.2.1.2 for supporting rows of multiple pallets that form individual loads;
means for elevating (FIG. 4) and means 2.2.1.4 for propelling rows of pallets
in a generally horizontal direction relative to an elongate deck.

Staege discloses that traveling conveyor 2 moves parallel to a loading edge alignment with a storage rack, and appears to disclose two parallel guides on a floor in FIG. 2.

Staege does not explicitly disclose means for selectively moving a conveyor, and a feed conveyor and loading/unloading conveyor. As noted below, Atwater's means 44 are the functional equivalent of a means moving between locations (i-iii). Therefore, Atwater discloses a warehousing system comprising-

- a feed conveyor branch 30;

- an unloading conveyer 26, 32, 28a;
- a traveling conveyer 16 including means 44 for selectively moving a traveling conveyer between:
 - (i) a location in which a traveling conveyer is aligned with a feed conveyer 24 for receiving cargo from a feed conveyer;
 - (ii) locations in which a traveling conveyer is aligned a storage racks 12 for discharging palletized cargo to storage racks; and
 - (iii) a location in which a traveling conveyer is aligned with a loading conveyer 26 for receiving or discharging cargo to an unloading conveyer.

Atwater teaches an automatic warehousing system for storing and unstoring loads having means as noted above such that an operator can pick orders as well as stock/unstock a rack. C1/L20-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Staeger to include means for selectively moving a traveling conveyer, as per the teachings of Atwater, to allow simultaneous picking and stocking/unstacking.

With respect to claim 5, Staeger discloses a traveling conveyer deck that is movable, and does not explicitly disclose wheeled chassis and a track. Atwater discloses a wheeled chassis 44 and a track 46 for guiding a wheeled chassis between locations in which a palletized cargo is received or discharged. Atwater teaches an automatic warehousing system for storing and unstoring loads such that an operator can pick orders as well as stock/unstock racks. C1/L20-25. Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Staege to include a wheeled chassis and track, as per the teachings of Atwater, to allow simultaneous picking and stocking/unstacking.

Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staege in view of Atwater and Carder et al. (US 4,304,518).

With respect to claim 4, Staege does not disclose a scissor jack mechanism. Carder discloses a traveling conveyor 34, 36 having a scissor jack mechanism 22, 24 which are more reliable in maintaining alignment between a traveling conveyor and a delivery location such as a second conveyor or airplane. C1/L5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lift of Stage to include a scissor jack mechanism, as per the teachings of Carder et al., to improve on alignment reliability.

Claims 7-8, 10-11 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staege in view of Atwater and Tharpe (US 5,887,699) (previously cited).

With respect to claims 7-8, Staege does not disclose a diverter. Tharpe discloses a feed conveyor 40 comprising a branch portion 40 which diverges from a main portion 14, means for selectively diverting pallets comprising a sweep arm 52 and means 56 for selectively extending a sweep arm 56 to identify individual articles being conveyed along a primary conveyor and sorting selected articles for distribution along secondary conveyors extending in a direction lateral to the primary conveyor. Cols. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to the invention of Staeger to include a diverter, as per the teachings of Tharpe, to sort items and direct them to separate them according to the portion of feed conveyor they are designated for.

With respect to claims 10-11 & 14, Thornton discloses a rigid, extensible dock member having an upper surface 71 for supporting a load of palletized cargo; means 155 for extending a dock member into an interior of a transport vehicle 11 so as to carry a load of palletized cargo 7 into or out of a transport vehicle en masse; and means 191 for selectively restraining a load of palletized cargo within a vehicle interior as an extensible dock member is withdrawn therefrom. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weir's dock member to include means for restraining, as per the teachings of Thornton, such that during dock member removal a load remains in a truck.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staeger in view of Atwater and Ringer (US 4,093,084) (previously cited).

With respect to claim 9, Staeger does not disclose a bypass portion with means for displacement. Ringer discloses a bypass segment 21 to connect branch portions to an unloading conveyor and means for displacing a bypass segment because interconnecting multiple incoming transport vehicles, i.e. trains, with multiple outgoing transport vehicles minimizes loading/unloading time because loads are routed directly to without intermediate storage, unless said intermediate storage is necessary. Cols. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Staeger to include a bypass portion

with means for displacement, as per the teachings of Ringer, such that loading/unloading time is minimized because loads are sent directly from an inbound vehicle to an outbound vehicle without intermediate steps.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staeger in view of Atwater, Thornton and Barski (US 3,042,230) (previously cited).

With respect to claims 12-13, Barski discloses a push plate 23 and means 20 for extending a push plate for shifting stacks of cases from one conveyor to a second conveyor minimizing canting of stacks. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Staeger's apparatus to include a push plate and means for extending, as per the teachings of Barski, such that stacks of cases may be transferred from one conveyor to a second without a need for canting of stacks.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staeger in view of Atwater, Thornton and Winski (US 5,562,403) (previously cited).

With respect to claim 15, Winski discloses an unloading paddle 34, means for selectively moving a paddle 36 and means for translating an unloading paddle (C7/L63 – C8/L20) such that when mounted to a vehicle which repositions shippable goods selectively pushing objects from one conveyor to a second provides for different production steps to take place. Cols. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Staeger's system to include a paddle and means for selectively moving a paddle, as per the teachings of Winski, such that goods can be moved from one conveyor to a second.

Claims 16-18 & 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz (US 6,056,497) (previously cited) in view of Thornton (US 5,054,987) (previously cited) and Lang (US 4,170,292).

With respect to claims 16-18 & 22, Holtz discloses a paddle 40 and means 26 for translating an unloading paddle in a deployed position from an outer end of an extensible dock member to proximate an inner end of a deck member, so as to push a palletized cargo off of an extensible dock member and onto a loading/unloading conveyor at an inner end of a dock member. Holtz does not disclose a dock member and means for extending a dock member into a transport vehicle, restraining means and means for moving a paddle between retracted and extended positions.

Thornton discloses-

- a rigid, extensible dock member 1 having an upper surface, a beveled edge and a thin rigid plate member 41;
- means 13 for extending said dock member into an interior of a transport vehicle so as to carry said load of palletized cargo into or out of said transport vehicle en masse; and
- means 191 for selectively restraining said load of palletized cargo within said interior of said vehicle as said extensible dock member is withdrawn therefrom;

Thornton teaches loading trucks over individual loaders uses a lower profile and reduces dock modifications. C1/L25-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

apparatus of Holtz to include a dock member and means for extending and restraining, as per the teachings of Thornton, to completely load or unload freight trailers.

Lang discloses means 13 for selectively moving an unloading paddle from a retracted position in which an unloading roller 60 is positioned beneath an upper surface (indicate generally as 50) of an extensible dock member, to a deployed position in which an unloading paddle projects above an upper surface of an extensible dock member proximate an outer end of a dock member. Lang improves on means for selective transfer such as Holtz's by reducing dirt and other abrasive material which "occasionally clogs and causes wear to paddle tracks." C1/L15-30. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Holtz to include means for moving an unloading paddle, as per the teachings of Lang, to reduce wear causing dirt and abrasive material.

With respect to claims 23-26, Thornton discloses-

- drive means 5 for translating a plate member into an out of a vehicle;
- discloses rollers 71, 75;
- rollers spaced distances from inner and outer ends;
- and ball bearings (C6/L25-50).

Thornton teaches loading trucks over individual loaders uses a lower profile and reduces dock modifications. C1/L25-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Holtz as per the teachings of Thornton to completely load or unload freight trailers.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Thornton, Lang and Barski (US 3,042,230).

With respect to claim 19, Holtz does not disclose a push plate or means for extending a push plate. Barski discloses a push plate 23 and means 20 for extending a push plate for shifting stacks of cases from one conveyor to a second conveyor minimizing canting of stacks. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thornton's system to include a push plate and means for extending a push plate, as per the teachings of Barski, such that stacks of cases may be transferred from one conveyor to a second without a need for canting of stacks.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art
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/G. W. A./
Examiner, Art Unit 3652
4/1/2008